

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>CHRIS ZACHARIAS,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>DOC OF THE SOUTH DAKOTA STATE PRISON; CLAY JESSIE HIGH WOLF,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: right;">4:24-CV-04011-LLP</p> <p style="text-align: center;">ORDER REQUIRING PLAINTIFF TO FILE A PRISONER TRUST ACCOUNT REPORT OR PAY THE FULL FILING FEE</p>
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Plaintiff, Chris Zacharias, an inmate at the South Dakota State Penitentiary, filed a pro se civil rights lawsuit under 42 U.S.C. § 1983. Doc. 1. Zacharias moves for leave to proceed in forma pauperis, Doc. 2, but did not file “a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint[.]” 28 U.S.C. § 1915(a)(2).

Under the Prison Litigation Reform Act (PLRA), a prisoner who “brings a civil action or files an appeal in forma pauperis . . . shall be required to pay the full amount of a filing fee.” 28 U.S.C. § 1915(b)(1). The court may, however, accept partial payment of the initial filing fee where appropriate. Therefore, “[w]hen an inmate seeks pauper status, the only issue is whether the inmate pays the entire fee at the initiation of the proceeding or over a period of time under an installment plan.” *Henderson v. Norris*, 129 F.3d 481, 483 (8th Cir. 1997) (alteration in original) (quoting *McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997)).

The initial partial filing fee that accompanies an installment plan is calculated according to 28 U.S.C. § 1915(b)(1), which requires a payment of 20 percent of the greater of:

- (A) the average monthly deposits to the prisoner’s account; or

- (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

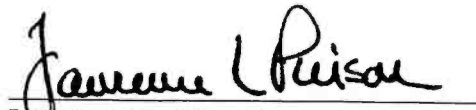
Because Zacharias has not submitted a completed and certified prisoner trust account, this Court cannot evaluate his motion for leave to proceed in forma pauperis. Zacharias must submit a completed and certified prisoner trust account report, or, in the alternative, pay the full \$405 civil complaint filing fee by **March 26, 2024**. Failure to do so will result in dismissal without prejudice of Zacharias's complaint for failure to prosecute.

IT IS ORDERED:

1. That the Clerk of Court mail this order and a blank copy of a prisoner trust account report to Zacharias.
2. That Zacharias must submit a completed and certified prisoner trust account report, or, in the alternative, pay the full \$405 civil complaint filing fee by **March 26, 2024**. Failure to do so will result in dismissal without prejudice of Zacharias's complaint for failure to prosecute.

DATED February 26, 2024.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

MATTHEW W. THELEN, CLERK

